

**Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building – Selectmen's Meeting Room
100 Maple Avenue
Monday, January 13, 2003 at 7:00 PM**

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux and Daniel Morgado, Town Manager. Mr. Fiore, Chairman, called the meeting to order at 7:00 pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0355 in the amount of \$300,738.69 and #0358 in the amount of \$1,248,432.95. Motion was made, seconded and unanimously voted to approve.
2. Approve Minutes of December 16, 2002 and December 26, 2002. Motion made, seconded and unanimously approved.
3. Announcements – Mr. Card announced that the Parks & Recreation Winter Registration is underway. Programs are available for adults, seniors, youth and preschoolers. Those interested can register at the Parks Office or on their website.
4. Town Manager's Report - Nothing other than what is on the Agenda.

Meetings

5. 7:00pm – SELPSCC – Cable Contract, Thomas Josie. Mr. Josie and Clifford Jefferson, chairman of the Light Commission, and Light Commission members were present. Mr. Josie advised that this is the first step in the process and reviewed the procedure and the license renewal documents. This meeting is for informational purposes only as the selectmen are the license issuing authority for the cable contract. A hearing for public input will be scheduled at a later date. Mr. Josie reviewed the cable company's positive record and relationship with the Town and its customers. Copies of the document are available to the public at the Town Clerk's Office, SELPSCC Office, library and on the web site. The Board will hold a public hearing on Monday, February 27, 2003 at 7:00pm on renewal of the cable contract.

Hearings:

6. 7:15pm – Wagner & Wagner Auto Sales d/b/a Wagner Motor Sales, Ronald W. Wagner, Mgr., 752 Boston Turnpike. Class I and Commercial Garage License for sales & service of new and used automobiles and motorcycles. Sales: Mon.-Sat. 8:00am-9:00pm, Sun. 12:00 noon-6:00pm. Service: Mon.-Fri. 8:00am-5:30pm. Ronald Wagner and his attorney, Joel Greene, were present. Mr. Fiore said the Ethics Commission had ruled that he was not in conflict of interest situation with this hearing and would be allowed to act as chair. A letter stating this is on file in the Town Clerk's Office. Mr. Fiore reviewed the previous hearing on this application and the reasons for the continuation and asked Mr. Greene if he had anything further to add. Mr. Greene outlined the reasons for the tardy filing of Wagner's application and advised that concerns voiced by residents and abutters had been resolved. Mr. Fiore stated that items missing at the first hearing had been received. Several questions posed by Board members were answered. Some concern was raised about traffic proceeding southerly on Chestnut Street upon exiting the site. Mr. Fiore opened the hearing to the public. Several residents spoke in favor of the application. As there was no further input, a motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Wager Motor Sales for Class I and Commercial Garage Licenses at 752 Boston Turnpike with the following restrictions: No more than 224 vehicles allowed on site. Planning Board restrictions of 1/10/02, ZBA restrictions of 12/20/01 and Board of Selectmen restrictions of 1/13/03 to apply. Landscaping to be as drawn in plan C-21. No test driving of vehicles being sold or serviced in a southerly direction on Chestnut Street and carriers of new or used vehicles making deliveries to dealership not allowed to proceed southerly on Chestnut Street. Motion was seconded and unanimously approved.
7. 7:30pm – Ronald Favacchia d/b/a R & G Auto Sales & Rentals, 47-49 Hartford Turnpike, Class II and Commercial Garage. Hours of Operation: Sales & Service: Monday-Saturday 8:00am-8:00pm, Sunday 12:00 noon-6:00pm. Mr. Fiore recused himself citing conflict of interest as he holds a Class II license and Mr. DePalo assumed the chair. Mr. Favacchia was present. Mr. DePalo reviewed the previous hearing on this application and advised that tax issues on the property had been resolved. Following a discussion, Mr. DePalo opened the hearing to the

public. As there was no public comment, motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve Class II and Commercial Garage Licenses for R & G Auto Sales & Rentals, 47-49 Hartford Turnpike subject to surrender of current license on this site. Restrictions: ZBA restrictions of 1/14/88 to apply, total of no more than 19 vehicles on site at one time, no access to Edgemere Blvd., no test driving of vehicles on residential side streets. Motion was seconded and voted to approve with four in favor and one abstention.

Old Business:

8. Report from Chief Sampson re Hills Farm Estates. Chief Sampson recommended installation of Thickly Settled advisory signs. Motion made to approve Chief Sampson's recommendation. Motion seconded and unanimously approved.
9. Report from Chief Sampson re Greenwood Ave. Traffic Regulations. Area does not meet criteria for installation of stop signs. He also asks that no changes be made to all night parking ban. No action taken on this request by Board. Mr. Fiore will respond.
10. Report from Animal Control, Officer Leona Pease re Animal Complaint at 633 Main Street. Mr. Fiore reviewed the case. The animal has been removed from town but question is raised whether it can return. The Board did not ban the dog from town. Therefore, it can return provided that it doesn't bark. Mr. Fiore will reply.

New Business:

11. Act on FY2004 Budget. Budget included three increases, all as a result of increase in costs of advertising, books and periodicals and involvement in Corridor 9 Chamber of Commerce. Motion was made, seconded and unanimously voted to approve Selectmen's FY04 budget.
12. Approve change of Precinct Nine polling location. Change in the precinct nine polling place is necessary as the Knights of Columbus building has been sold. The Liberty Assembly of God Church at 495 Hartford Turnpike has agreed to allow their all purpose room to be used as the polling place. Board members voiced concerns about traffic on voting days and placement of signage to indicate location. Chief Sampson will be asked to review and make recommendation. Motion was made to approve the Town Clerk's request to move precinct nine polling place to the all purpose room of Liberty Assembly of God Church, 495 Hartford Turnpike and to notify affected voters. Motion seconded and unanimously voted.
- 12a. MMA Conference update. Mr. Fiore reviewed the MMA Annual Meeting held in Boston on January 10 and 11. Governor Romney addressed the meeting announcing that he would be asking the legislature to extend his 9C powers to alleviate the state's current budget crisis. Expansion of these powers would allow him to make cuts in aid to local communities. He mentioned the possibility of cutting aid for the remainder of this fiscal year by as much as 10% which would amount to \$621,000 for Shrewsbury. It is not known if the cuts would be across the board or based on different percentages for different communities. Making larger cuts in communities that had maintained cash reserves and established stabilization funds would punish cities and towns such as Shrewsbury for being fiscally responsible. The Board discussed the impact of these cuts. Motion was made to send letters to the Governor and Lt. Governor asking them not to include stabilization funds and free cash in calculating cuts. Motion was seconded and unanimously approved.

Executive Session:

13. Collective bargaining and pending litigation. Motion was made, seconded, and unanimously voted to adjourn into executive session at 9:21 pm and not to reconvene for the purpose of discussion of collective bargaining and pending litigation. The Board was polled, Mr. Card, yes, Mr. Lebeaux, yes, Mr. DePalo, yes, Mr. Hammond, yes, and Mr. Fiore, yes.

Communications:

14. Noted copy mailed: Notice of availability of Feasibility Study for Economic Development & Public Policy Program of 495/MetroWest Corridor Partnership.
15. Noted copy mailed: USFilter Monthly Compliance Report, November 2002.
16. Noted copy mailed: Mr. Fiore's response to Joy Buck, 11 Greylock Avenue.
17. Noted copy mailed: Mr. Fiore's letter in support of position taken by City of Worcester Manager and Mayor re MBTA commuter rail service.
18. Noted copy mailed: Mr. Morgado's response to CHI Realty Trust re request for road opening.
19. Noted copy mailed: Letter to William Menanson, 637 Main Street, re dog complaint. Mr. Fiore will respond.

20. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Town of Shrewsbury, 155R Oak Street.
21. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, Kevin & Maureen Jarvis, 5 Beverly Road.
22. Noted copy mailed: ZBA Hearing Minutes, 11/19/02, 420 Boston Tpke., LLC, 420 Boston Tpke.
23. Noted copy mailed: Letter from AirCor re Freedom of Information Request.
24. Noted copy mailed: Mr. Fiore's response to Barbara Dillon Sundeen.
25. Noted copy mailed: Letter from Stephen & Margaret Aulenback, 150 Spring Street, re ZBA hearing.
26. Noted copy mailed: Letter from Town Eng. Perreault to John Reil, JR Associates, re Parking Lot, The Green at Shrewsbury.
27. Noted copy mailed: Letter from Treasurer Marcotte to Patricia Ganas re 47 Hartford Turnpike.
28. Noted copy mailed: E-mail from Kenneth Walton, 125 Spring Street, re ZBA Hearing on 12/17/02.
29. Noted copy mailed: Mr. Morgado's letter to Director of Disability Rights Project, Office of the Attorney General re meetings at 1830 Brick School House.
30. Noted copy mailed: Snow Storm Reports December 5, 6, 11, 12 & 16, 2002 from Highway Supt. Knipe.
31. Noted copy mailed: Notice from Dept. of Housing & Community Development re Grant Alert – Mass. Community Development Block Grant Program.
32. Noted copy mailed: Letter from Sen. Glodis re House Bill 5395 Relative to Establishing the Shrewsbury EDIC. Gov. Swift approved this bill during her last days in office. Official appointments will be made at the January 27th meeting.
33. Noted copy mailed: Memo from Deborah Peeples, School Committee Chair, re Four Board Meeting. Board attended as well as members of other Boards. Various options were reviewed.
34. Noted copy mailed: Letter from Kenneth & Jeri Canestraro, 41 Clews Street, re traffic conditions on Clews Street. Forward to Chief Sampson for opinion and report.
35. Noted copy mailed: Memo from Mr. Morgado re Annual Legislative Workshop. Shooting for March 1st, waiting to hear from Congressman McGovern.
36. Noted copy mailed: School Committee Meeting Agenda, 1/8/03.
37. Noted copy mailed: Memo from Energy Facilities Siting Board re Energy Facilities Siting Board Rulemaking Addressing Issues Concerning the Construction of Natural Gas Pipelines in Mass.
38. Noted copy mailed: Request from Lynn Leveille to use gazebo on the Town Common for a wedding ceremony. A discussion about setting up guidelines for use of the common/gazebo took place. This subject will be discussed at a future date. Confirmation of approval by the Congregational Church of this request is needed. Motion was made to approve this request pending confirmation of Congregational Church. Motion was approved with four in favor and one opposed.
39. Noted copy mailed: ZBA Hearing Minutes, 12/17/02, Yiping Du & Marisa Chao, 1 Knowlton Avenue.
40. Noted copy mailed: ZBA Hearing Minutes, 12/17/02, Mary & Robert Zona, 25 Rosedale Avenue.
41. Noted copy mailed: Notice of Availability Immediate Response Action Plan, Waste Management, Inc.- Shrewsbury Residue Landfill.
42. Noted copy mailed: Minutes School Committee Meeting, 12/11/02.
43. Noted copy mailed: Westborough Treatment Plant Board Meeting Minutes, 12/22/02.

Motion was made, seconded, and unanimously voted to adjourn into executive session at 9:21 pm not to reconvene for the purpose of discussing collective bargaining and pending litigation.

Respectfully submitted,

Janice C. McCoy
Secretary